

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

ROSIE M. COLLIER

PLAINTIFF

v.

CASE NO. 4:05-CV-01624 GTE

**CITY OF LITTLE ROCK, ARKANSAS;
BARBARA HYATT, employee; DON FLEGAL,
Director Human Resources Department;
ANDRE BERNARD, Director of Housing and
Neighborhood**

DEFENDANTS

ORDER

Presently before the Court is Plaintiff's Motion to Set Aside Order. On October 25, 2007, the Court granted Defendants' Motion for Summary Judgment and entered Judgment in this case. Plaintiff asserts that this Court erred in granting Defendants' motion. Plaintiff's arguments are without merit. Therefore, the Court declines to reconsider its Order granting summary judgment.

Plaintiff also cites the statute for disqualification of a judge. 28 U.S.C. § 455(a) provides that a district judge shall disqualify himself "in any proceeding in which his impartiality might reasonably be questioned." The inquiry under § 455(a) is "one of objective reasonableness." *Lunde v. Helms*, 29 F.3d 367, 370 (8th Cir. 1994). The appropriate test for disqualification is whether a "reasonable person" with knowledge of all the facts and circumstances might conclude that a judge's impartiality might be questioned. Applying this test, it is the conclusion of the Court that a reasonable person with access to all the relevant facts and circumstances would not question this Court's impartiality. Therefore, the Court will not recuse from this case.

Accordingly,

IT IS HEREBY ORDERED THAT Plaintiff's Motion to Set Aside Order (Docket No. 109) be, and it is hereby DENIED.

IT IS SO ORDERED this 19th day of November, 2007.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE